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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/800,316

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Haruyuki Toda

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09/01/2006

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EXAMINER

LAURITZEN, AMANDA L

ART UNIT

PAPER NUMBER

3737

DATE MAILED: 09/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/800,316

Applicant(s)

TODA, HARUYUKI

Examiner

Amanda L. Lauritzen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 3/11/2004.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>6/14/2004</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119. The certified copy has been filed in parent Application No. JP2003-078079, filed on March 20, 2003.

### ***Specification***

2. The disclosure is objected to under 37 CFR 1.71 for incomprehensible subject matter. It is not understood what is meant by "remove the difference" with regard to converting the order from that suitable for generation of images to that suitable for observation of images (pages 5, 6, 9, 11, 12, 38). It is requested that this phrasing be further explained, as it is interpreted to result in one order for both image generation and observation, which renders it inconsistent with the rest of the specification. Additionally, the application contains spelling and grammatical errors that need also be corrected (for example, the term patient is misspelled on pages 33 and 37).

Applicant is required to submit an amendment which clarifies the disclosure so that the examiner may make a proper comparison of the invention with the prior art. Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).

### ***Drawings***

3. The drawings are objected to because the references 1 and 1a corresponding to image forming apparatuses as cited on page 17 in the specification are not explicitly shown in any of the figures provided. Additionally, item (e) on page 21 within the description of the drawings

refers to imager 6, but reference 6 is used to denote a network-connected printer in Figure 1 of the drawings.

4. Figure 1 is objected to because the image generating apparatus referenced by number 1 in the drawings is cited with reference number 2 on page 16, line 2 of the specification. Reference 2 in the drawings denotes the image processing apparatus.

5. Figure 2 is objected to because reference marker 41 is listed as the reserving section in the figure but is consistently referred to as the preserving section in the specification. The label of the drawing is regarded as a typographical error for examination purposes, but appropriate correction to establish direct correspondence between the figures and the description is required. Additionally, reference marker 8 of Figure 2 is listed as the RIS/HIS module, but the specification mentions a series of network-connected printers with the reference numbers 6-8 (item 6 on page 18 and item 2 on page 28).

6. Figure 3 is objected to because page 23 of the description refers to an image display device denoted by 22, but there is no such marker in Figure 3. The system diagram of Figure 2 depicts the image display device 22. This misnomer of Figure 3 in the description is regarded as Figure 2 for examination purposes, but appropriate correction is required.

7. Figures 7(a) and 7(b) are objected to as the reference that is made to them in the disclosure is unclear. It is not understood how they pertain to the invention.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing

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should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

8. Claims 1-6 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Given the broadest reasonable interpretation, the tools of the claims are directed to computer program(s) and since they are not stated in conjunction with any tangible computer-readable medium, the subject matter of the claims is rendered non-statutory. It is noted that claim 2 cites a display as part of the first specifying tool, but it appears that it is directed to a display configuration rather than a tangible display unit.

***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

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9. Claims 1-7 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The apparatus claims are not clear in reciting specific structure and consequently the patent protection desired by the applicant is unclear.

10. Claim 5 recites the limitation "the correcting tool" in line 12 as being comprised by the first specifying tool. There is insufficient antecedent basis for this limitation in this claim because the correcting tool was not presented as being encompassed by the first specifying tool when introduced in the base claim.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

11. Claims 1-7 are rejected under 35 U.S.C. 102(b) as being anticipated by Takasawa (U.S. Patent No. 6,501,827).

Regarding claims 1-7, Takasawa discloses a medical image processing apparatus and method that receives medical image information from another apparatus that comprises a first specifying tool for a first image sequence (instruction device of col. 5, line 8), a second specifying tool for determining a display order (changing device of col. 5, line 10) and a correcting tool to conform the order of images to the original display order (the output device of col. 5, line 11 allows for output in the first image sequence as indicated by col. 13, lines 34-35). Furthermore, the display of Takasawa presents images in thumbnail or list form and includes a specifying tool for sorting (Figs. 4, 8 and col. 12, lines 24-29). The permission of starting image

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output of each examination and determining image order for a new order appropriate for display is encompassed by image order conversion (Fig. 10 and col. 12, lines 24-29). The invention of Takasawa converts the image order based upon request information received (col. 12, lines 5-7).

Regarding claim 5, Takasawa further discloses a storage tool for various predetermined image processing parameters and photographic conditions, including a presetting tool for the display order of images (computer-executable storage medium and instruction device of col. 5, lines 25-31). A determining tool (the information processing apparatus of col. 6, line 51) selects the appropriate condition file according to the input of an examination ID (col. 6, lines 50-54).

### *Conclusion*

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Argiro et al. Advanced diagnostic viewer employing automatic protocol selection for volume-rendering imaging (U.S. Patent No. 5,986,662); Parulski et al. Method and apparatus for controlling rapid display of multiple images from a digital image database (U.S. Patent No. 5,414,811); Stockham et al. Computerized apparatus and method for displaying X-rays and the like for radiological analysis and manipulation and transmission of data (U.S. Patent No. 6,081,267).

13. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Amanda L. Lauritzen whose telephone number is (571) 272-4303. The examiner can normally be reached on Monday - Friday, 8:30am - 5:00pm.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian L. Casler can be reached on (571) 272-4956. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



A.L.L.



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